

HOUSE BILL 439

By Floyd

AN ACT to amend Tennessee Code Annotated, Title 5, Chapter 1, Part 1; Title 6, Chapter 54, Part 1; Title 39, Chapter 15, Part 4; Title 39, Chapter 17 and Title 68, Chapter 1, relative to tobacco products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1603, is amended by inserting the following language as a new, appropriately numbered item:

() "Food service establishment" means any indoor or enclosed establishment, place or location wherein food is prepared and the public is offered to be served or is served foods, vegetables, or beverages not in an original package or container; provided, however, "food service establishment" includes only such indoor or enclosed establishments, places or locations as are regulated and inspected pursuant to the provisions of title 68, chapter 14, part 3.

SECTION 2. Tennessee Code Annotated, Section 39-17-1604, is amended by adding the following language as a new, appropriately numbered item:

(11) Food service establishments to which children are allowed access.

SECTION 3.

(a) Tennessee Code Annotated, Section 39-17-1606(a), is amended by deleting the words "An institution violating any provisions of this part" and by substituting instead the following:

Any institution, food service establishment or other facility violating any provision of this part

(b) Tennessee Code Annotated, Section 39-17-1606, is amended by adding the following language as a new, appropriately designated subsection:

(c) Upon observing any violation of § 39-17-1604 while conducting a lawful inspection of the premises of any institution, food service establishment, or other facility, the inspecting official shall enter upon his or her inspection report a record of the observed violation and shall notify the appropriate law enforcement agency within a reasonable period thereafter.

SECTION 4. Tennessee Code Annotated, Section 39-17-1551, is amended by deleting the following language:

; provided, that cities, counties and counties having a metropolitan form of government may regulate the use of tobacco products in buildings owned or leased by the political subdivisions; and provided further, that airport authorities

and by substituting instead the following:

; provided, that cities, counties and counties having a metropolitan form of government may regulate the use of tobacco products, other than tobacco products that are smoked, in buildings owned or leased by the political subdivisions; and provided further, that airport authorities

SECTION 5. Tennessee Code Annotated, Title 5, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 5-1-127. Smoking shall be prohibited within all buildings that are owned or operated by any county, including but not limited to any county having a metropolitan form of government. It is the intent of the general assembly that all buildings that are owned or operated by any county within this state shall be completely smoke-free.

SECTION 6. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 6-54-132. Smoking shall be prohibited within all buildings that are owned or operated by any municipality. It is the intent of the general assembly that all buildings

that are owned or operated by any municipality within this state shall be completely smoke-free.

SECTION 7. This act shall take effect July 1, 2007, the public welfare requiring it.